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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003158

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SUBJECT: DEPUTY LEGAL CHAIR (TAWAFUQ) HIGHLIGHTS
OPPOSITION TO RUSH TO FEDERALISM

Classified By: (U) Classified by Acting Political Counselor
Michael J. Adler for Reasons 1.4 (b) and (d).

[1](#)1. (C) SUMMARY. Deputy Chair of the Legal Committee Saleem Al-Jaboori (Tawafuq) told Embassy Legal Adviser and PolOff August 22 that Tawafuq wants federalism-related legislation on region formation delayed until after the constitutional review process is complete. He said Tawafuq is considering approximately twenty constitutional amendments it would like adopted, including re-defining the authorities of the regions and the center and making it easier to amend the constitution. He also added that Tawafuq will present a recommendation for the De-Ba'athification Commission to be dissolved. He promised to work to raise the threshold for removing electoral commissioners to 2/3, but said a letter has been received saying the PM should solely appoint the commissioners. END SUMMARY

Article 118 and the Constitutional Review

[1](#)2. (C) Deputy Chair of the Legal Committee Saleem Al-Jaboori (Tawafuq) told Embassy Legal Adviser and PolOff August 22 that Tawafuq wants the Constitutional Review Committee (CRC) to be launched and to finish its work before the enactment of any legislation on executive procedures to form regions (per constitution article 118). He noted that, if the CoR legislates the executive procedures but the CRC reaches a different result, then it would be very difficult to resolve. He said that the Shia Coalition and the Kurdish Alliance oppose any delay in the implementation of article 118 and want a law to be enacted by the CoR before September 16 (six months after the opening of the first CoR session on March 16). Tawafuq prefers to extend the implementation date in Article 118 by a fixed period with a guarantee that legislation would then be enacted. He asked for U.S. Embassy assistance to postpone the implementation of article 118. EmbOffs said this was an Iraqi decision that must be reached within the context of the

national reconciliation
effort.

13. (C) Al-Jaboori said if Tawafuq is unable to reach an agreement with the other political blocs to postpone implementation of Article 118, then it will seek to make the executive procedures to form regions difficult, with high, strict standards. He added that the constitution allows regions to have their own armies and diplomats. (Note: This was an apparent reference to Article 121 (Fifth) which provides for regional internal security forces including "guards of the region" and 121 (Fourth) which provides for regional and governorate offices in diplomatic missions to follow cultural, social and developmental affairs.) Al-Jaboori feared this would lead to the formation of conflicting, not cooperating regions, and ultimately to the break up of Iraq. He alleged that an alliance between the Kurds and SCIRI during the constitution drafting was premised on pushing through privileges for the Kurdish region so a southern region could eventually enjoy them. He said Tawafuq is not against federalism itself, but is against federalism being implemented in a wrong way. He emphasized that a country cannot transition from a centralized dictatorship to democratic federalism

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overnight. Each province outside of the existing region of Kurdistan should be an individual federal region first, and no decision should be reached on creating larger regions until one can see how the individual regions are being administered.

Constitutional Review Committee and What Tawafuq Wants

14. (C) Al-Jaboori said Tawafuq wants the Constitutional Review Committee to be established according to the principles of national unity. He mentioned 30 members, with 12 members from the Shia, six from the Kurds, six from the Sunni Arabs, and six from other minorities and groups. He said there have been meetings to establish the committee, but there has been no final decision on membership or starting date.

15. (C) Al-Jaboori said Tawafuq is considering approximately twenty constitutional amendments, but that there has been no final agreement within the bloc. Among the items that Tawafuq would like to amend are: (a) authorities of the regions and central government; (b) the Arabic identity of the state; (c) article 41 (personal status); (d) article 126 (mechanism to amend the Constitution); (e) authorities of the President; and (f) provisions on the rights of the people. He added that he expects Tawafuq to meet to agree on the recommendations within a week.

Tawafuq will present recommendation to disband De-
Ba'athification Commission

¶6. (C) Al-Jaboori told EmbOffs that Tawafuq will present a recommendation when the CoR reconvenes to dissolve the De-Ba'athification Commission. He acknowledged hearing reports that the De-Ba'athification Commission may present a law to reform itself, but he was unsure of its motives. He added that there is concern about what will happen to those who were already de-Ba'athified.

Independent High Electoral Commission

¶7. (C) Al-Jaboori said he supports raising the CoR voting threshold for removing commissioners from simple majority to 2/3, and will work to change it in the draft law. He mentioned that the Committee received a letter from Deputy Speaker Khalid Al-Attiah's office stating that the law should be amended so that Commissioners are appointed solely by the Prime Minister.

COMMENT

¶8. (C) Al-Jaboori presented Tawafuq's hope that implementation of federalism-related legislation (such as under article 118) could be delayed until a future Constitution Review Committee finishes its work. He was realistic, however, about pressures from Shia parties to move such legislation forward rapidly. He further estimated Tawafuq's chances during a CRC process of successfully amending federalism provisions at only fifty percent.
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